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A/RES/54/179
24 February 2000

Fifty-fourth session
Agenda item 116 (*c*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/54/605/Add.3)*]

54/179. Situation of human rights in the Democratic Republic of the Congo

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and other human rights instruments,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that the Democratic Republic of the Congo is a party to the International Covenant on Civil and Political Rights,[2] the International Covenant on Economic, Social and Cultural Rights,[2] the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[3] the Geneva Conventions of 12 August 1949 for the protection of victims of war,[4] the International Convention on the Elimination of

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[1] Resolution 217 A (III).

[2] Resolution 2200 A (XXI), annex.

[3] Resolution 39/46, annex.

[4] United Nations, *Treaty Series*, vol. 75, Nos. 970-973.

All Forms of Racial Discrimination,[5] and the Convention on the Rights of the Child,[6] as well as to the African Charter on Human and Peoples' Rights,[7]

Recalling its previous resolutions on this subject, including the most recent, resolution 53/160 of 9 December 1998, taking note of Commission on Human Rights resolution 1999/56 of 27 April 1999,[8] as well as Security Council resolution 1234 (1999) of 9 April 1999, and mindful of Security Council resolutions 1258 (1999) of 6 August 1999 and 1273 (1999) of 5 November 1999,

Recognizing that the promotion and protection of human rights for all are essential for achieving stability and security in the region and will contribute to the creation of the necessary environment for cooperation among States in the region,

Taking into account the regional dimension of the human rights issues in the Great Lakes region, while underlining the primary responsibility of States for the promotion and protection of human rights, and stressing the importance of technical cooperation with a view to strengthening regional cooperation for the promotion and protection of human rights,

Bearing in mind the decision of the Commission on Human Rights to request the special rapporteurs of the Commission on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to the Democratic Republic of the Congo,[8]

Noting the stated intention of the Government of the Democratic Republic of the Congo progressively to abolish the death penalty and, with that in view, encouraging the Government to fulfil its commitment to reform and restore the judicial system in conformity with the provisions of the International Covenant on Civil and Political Rights,

1. *Welcomes*:

(*a*) The report of the Special Rapporteur on the situation of human rights in the Democratic Republic of the Congo;[9]

(*b*) The two visits of the Special Rapporteur to the Democratic Republic of the Congo in February and August/September 1999 at the invitation of the Government and the cooperation of the Government in this regard;

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[5] Resolution 2106 A (XX), annex.

[6] Resolution 44/25, annex.

[7] United Nations, *Treaty Series*, vol. 1520, No. 26363.

[8] See *Official Records of the Economic and Social Council, 1999, Supplement No. 3* (E/1999/23), chap. II, sect. A.

[9] See A/54/361.

(*c*) The activities of the human rights field office in the Democratic Republic of the Congo, while encouraging the Government of the Democratic Republic of the Congo to work closely and to strengthen further its cooperation with the field office;

(*d*) The Lusaka Ceasefire Agreement[10] which was signed by all parties involved in the conflict in the Democratic Republic of the Congo;

(*e*) The appointment by the Secretary-General of a special envoy for the peace process for the Democratic Republic of the Congo;

(*f*) The appointment by the Secretary-General of a special representative for the Democratic Republic of the Congo;

(*g*) The appointment of the Minister of Human Rights within the Government of the Democratic Republic of the Congo, and expresses the hope that that appointment will contribute to an improvement of the situation of human rights;

(*h*) The commitment by the Government of the Democratic Republic of the Congo to cooperate with United Nations agencies and non-governmental organizations in ensuring the demobilization, rehabilitation and reintegration of child soldiers, and encourages the Government to implement fully its commitment;

2. *Expresses its concern* at:

(*a*) The adverse impact of the conflict on the situation of human rights and its severe consequences for the security and well-being of the civilian population throughout the territory of the Democratic Republic of the Congo;

(*b*) The preoccupying situation of human rights in the Democratic Republic of the Congo, in particular in the eastern parts of the country, and the continuing violations of human rights and international humanitarian law committed throughout the territory of the Democratic Republic of the Congo, often with impunity, and, with that in view, condemns:

(i) The perpetration of massacres, in the course of the conflicts, including, more recently, in 1998 and 1999, those in Kasika, Makobola, Kamituga, Kavumu, Kilungutwe, Kasanga, Kazima, Mboko, Kabare, Mwenga, Libenge and Kasala;

(ii) The occurrence of cases of summary or arbitrary execution, disappearance, torture, beating, harassment, arbitrary arrest and detention without trial, including of journalists, opposition politicians, human rights defenders and people who have cooperated with the United Nations mechanisms, and reports of sexual violence against women and children and the continuing recruitment and use of child soldiers;

(iii) The trial of civilians and the imposition of the death penalty by the Military Court;

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[10] S/1999/815, annex; see *Official Records of the Security Council, Fifty-fourth Year, Supplement for July, August and September 1999.*

(*c*) The excessive accumulation and spread of small arms and light weapons and the illicit distribution, circulation and trafficking of arms in the region and their negative impact on human rights;

3. *Urges* all parties to the conflict in the Democratic Republic of the Congo:

(*a*) To work for the full and timely implementation of the provisions of the Lusaka Ceasefire Agreement and to re-establish the authority of the Government of the Democratic Republic of the Congo throughout its territory, stressing, in the context of a lasting peaceful settlement, the need for the engagement of all Congolese in an all-inclusive process of political dialogue with a view to achieving national reconciliation and the holding of democratic, free, transparent and fair elections;

(*b*) To protect human rights and to respect international humanitarian law, in particular, as applicable to them, the Geneva Conventions of 12 August 1949 for the protection of victims of war,[4] the Additional Protocols thereto, of 1977,[11] and the Convention on the Prevention and Punishment of the Crime of Genocide,[12] especially with regard to respect for the rights of women and children, and to ensure the safety of all civilians, including refugees and internally displaced persons within the territory of that country regardless of their origin;

(*c*) To ensure the safety, security and freedom of movement of United Nations and associated personnel within the Democratic Republic of the Congo and, in this regard, to ensure safe and unhindered access of humanitarian personnel to all affected populations;

(*d*) To bring an end to all violations of human rights and to ensure that there is no impunity for human rights violators;

(*e*) To cooperate fully with the National Commission of Inquiry on the alleged massacres of a large number of refugees and displaced persons in the Democratic Republic of the Congo, and also with the Secretary-General and the United Nations High Commissioner for Human Rights in addressing these allegations, with a view to the submission of a further report by the National Commission of Inquiry to the Secretary-General on the progress of its investigations into this question;

4. *Calls upon* the Government of the Democratic Republic of the Congo:

(*a*) To comply with its obligations under international human rights law and to promote and protect human rights and fundamental freedoms throughout its entire territory;

(*b*) To take a leading part in efforts to prevent conditions that might lead to further flows of internally displaced persons and refugees within the Democratic Republic of the Congo and across its borders;

(*c*) To uphold its commitment to reform and restore the judicial system and in particular to reform military justice in conformity with the provisions of the International Covenant on Civil and Political Rights,[2] and encourages provisional assistance to this end;

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[11] United Nations, *Treaty Series*, vol. 1125, Nos. 17512 and 17513.

[12] Resolution 260 A (III).

(*d*) To implement fully its commitment to the democratization process, in particular the national dialogue, as set out in the Lusaka Ceasefire Agreement, and to create, in this context, conditions that would allow for a democratization process that is genuine and all-inclusive and that fully reflects the aspirations of all people of the country;

(*e*) To fulfil its responsibility to ensure that those responsible for human rights violations are brought to justice;

(*f*) To remove the remaining administrative restrictions on the activities of political parties and to prepare for the holding of democratic, free, transparent and fair elections;

(*g*) To promote human rights awareness, *inter alia*, by strengthening cooperation with civil society, including all human rights organizations, and to remove the restrictions that still affect the work of non-governmental organizations;

(*h*) To ensure full respect for freedom of opinion and expression, including freedom of the press in all types of mass media, as well as freedom of association and assembly;

(*i*) To cooperate fully with the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 in ensuring that all those responsible for the crime of genocide, crimes against humanity and other grave violations of human rights are brought to justice in accordance with international principles of due process;

5. *Decides* to continue to examine the situation of human rights in the Democratic Republic of the Congo, and requests the Special Rapporteur to report to the General Assembly at its fifty-fifth session.

83rd plenary meeting
17 December 1999

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NATIONS

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A/RES/54/180
24 February 2000

Fifty-fourth session
Agenda item 116 (*b*)

RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

[*on the report of the Third Committee (A/54/605/Add.2)*]

54/180. Human rights and mass exoduses

The General Assembly,

Deeply disturbed by the scale and magnitude of exoduses and displacements of people in many regions of the world and by the human suffering of refugees and displaced persons, a high proportion of whom are women and children,

Recalling its previous relevant resolutions, as well as those of the Commission on Human Rights, in particular Commission resolution 1998/49 of 17 April 1998,[1] and the conclusions of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993,[2] which recognized that gross violations of human rights, persecution, political and ethnic conflicts, famine and economic insecurity, poverty and generalized violence are among the root causes leading to mass exodus and displacements of people, and also recalling the second open debate that was held in the Security Council on the protection of civilians in armed conflict on 16 and 17 September 1999,[3]

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[1] See *Official Records of the Economic and Social Council, 1998, Supplement No. 3* (E/1998/23), chap. II, sect. A.

[2] A/CONF.157/24 (Part I), chap. III.

[3] See S/PV.4046, S/PV.4046 (Resumption 1) and Corr.2 and S/PV.4046 (Resumption 2). For the final text, see *Official Records of the Security Council, Fifty-fourth Year*, 4046th meeting.

Recalling with satisfaction its endorsement, in its resolution 41/70 of 3 December 1986, of the call upon all States to promote human rights and fundamental freedoms and to refrain from denying these to individuals in their population because of nationality, ethnicity, race, gender, age, religion or language,

Recalling all relevant human rights standards, including the Universal Declaration of Human Rights,[4] the principles of international protection for refugees and the general conclusion of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees on international protection[5] and the fact that asylum applicants should have access to fair and expeditious status-determination procedures,

Stressing the importance of adherence to international humanitarian, human rights and refugee law in order to avert mass exoduses and to protect refugees and internally displaced persons, and expressing its deep concern at the lack of respect for those laws and principles, especially during armed conflict, including the denial of safe and unimpeded access to the displaced,

Noting, in this regard, the entry into force of the Convention on the Safety of United Nations and Associated Personnel of 9 December 1994,[6] urging States to consider ratifying or acceding to the Convention, and condemning attacks and the use of force against United Nations and associated personnel, as well as personnel of international humanitarian organizations,

Reaffirming the primary responsibility of States to ensure the protection of refugees and internally displaced persons,

Recognizing the contribution of the establishment of the International Criminal Court to ending impunity for perpetrators of certain crimes, as defined in the Rome Statute of the International Criminal Court,[7] which lead to, or result from, mass exoduses,

Noting with satisfaction the efforts by the United Nations system to develop a comprehensive approach to addressing the root causes and effects of movements of refugees and other displaced persons and the strengthening of emergency preparedness and response mechanisms,

Recognizing that the human rights machinery of the United Nations, including the mechanisms of the Commission on Human Rights and the human rights treaty bodies, has important capabilities to address human rights violations that cause movements of refugees and displaced persons or prevent durable solutions to their plight,

Recognizing the complementarity between the systems for the protection of human rights and for humanitarian action, in particular the mandates of the United Nations High Commissioner for Human Rights

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[4] Resolution 217 A (III).

[5] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 12A* (A/54/12/Add.1), chap. III, sect. A.1.

[6] Resolution 49/59, annex.

[7] A/CONF.183/9.

and the United Nations High Commissioner for Refugees, as well as the work of the representative of the Secretary-General on internally displaced persons and the Special Representative of the Secretary-General for Children and Armed Conflict and that cooperation between them, in accordance with their respective mandates, as well as coordination between the human rights, political and security components of United Nations operations, make important contributions to the promotion and protection of human rights of persons forced into mass exodus and displacement,

1. *Takes note* of the report of the Secretary-General;[8]

2. *Strongly deplores* ethnic and other forms of intolerance as one of the major causes of forced migratory movements, and urges States to take all necessary steps to ensure respect for human rights, especially the rights of persons belonging to minorities;

3. *Reaffirms* the need for all Governments, intergovernmental bodies and concerned international organizations to intensify their cooperation and assistance in worldwide efforts to address human rights situations that lead to, as well as the serious problems that result from, mass exoduses of refugees and displaced persons;

4. *Emphasizes* the responsibility of all States and international organizations to cooperate with those countries, particularly developing ones, affected by mass exoduses of refugees and displaced persons, and calls upon Governments, the United Nations High Commissioner for Human Rights, the United Nations High Commissioner for Refugees and other relevant parts of the United Nations system to continue to respond to assistance needs of countries hosting large numbers of refugees until durable solutions are found;

5. *Urges* the Secretary-General to give high priority to and to allocate the necessary resources within the regular budget of the United Nations for the consolidation and strengthening of emergency preparedness and response mechanisms, including early warning activities in the humanitarian area, for the purpose of ensuring, *inter alia*, that effective action is taken to identify all human rights abuses that contribute to mass exoduses of persons;

6. *Invites* the special rapporteurs, special representatives and working groups of the Commission on Human Rights and the United Nations human rights treaty bodies, acting within their mandates, to seek information, where appropriate, on human rights problems that may result in mass exoduses of populations or impede their voluntary return home and, where appropriate, to include such information, together with recommendations thereon, in their reports and to bring such information to the attention of the United Nations High Commissioner for Human Rights for appropriate action in fulfilment of her mandate, in consultation with the United Nations High Commissioner for Refugees;

7. *Requests* all United Nations bodies, acting within their mandates, the specialized agencies and governmental, intergovernmental and non-governmental organizations to cooperate fully with all mechanisms of the Commission on Human Rights and, in particular, to provide them with all relevant information in their possession on the human rights situations creating or affecting refugees and displaced persons;

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[8] A/54/360.

8. *Requests* the United Nations High Commissioner for Human Rights, in the exercise of her mandate, as set out in General Assembly resolution 48/141 of 20 December 1993, to coordinate human rights activities throughout the United Nations system and, in cooperation with the United Nations High Commissioner for Refugees, to pay particular attention to situations that cause or threaten to cause mass exoduses or displacements and to contribute to efforts to address such situations effectively through promotion and protection measures, emergency preparedness and response mechanisms, early warning and information sharing, technical advice, expertise and cooperation in countries of origin as well as host countries;

9. *Welcomes* the efforts of the United Nations High Commissioner for Human Rights to contribute to the creation of an environment viable for return in post-conflict societies through initiatives such as the rehabilitation of the justice system, the creation of national institutions capable of defending human rights and broad-based programmes of human rights education and the strengthening of local non-governmental organizations through field presences and programmes of advisory services and technical cooperation;

10. *Welcomes with appreciation* the ongoing contributions of the United Nations High Commissioner for Refugees to the deliberations of the Commission on Human Rights and to other international human rights bodies and mechanisms, and also welcomes the invitation extended to her by the Commission to address the Commission at each of its future sessions;

11. *Encourages* States that have not already done so to consider acceding to the 1951 Convention[9] and the 1967 Protocol[10] relating to the Status of Refugees and to other relevant regional instruments concerning refugees, as applicable, and relevant international instruments of human rights and humanitarian law, and to take appropriate measures to disseminate and implement those instruments domestically to encourage compliance with provisions against arbitrary and forcible displacement and greater respect for the rights of those who flee;

12. *Notes with appreciation* that a number of States not parties to the 1951 Convention and the 1967 Protocol continue to maintain a generous approach to asylum;

13. *Encourages* States parties to the 1951 Convention to provide information to the Office of the United Nations High Commissioner for Refugees, in accordance with article 35 of the Convention;

14. *Calls upon* States to ensure effective protection of, and assistance to, refugees and internally displaced persons, consistent with international law, *inter alia*, by respecting the principle of non-refoulement, ensuring full, safe and unhindered access by humanitarian workers to displaced populations and ensuring the security and civilian and humanitarian nature of camps and settlements for refugees and internally displaced persons;

15. *Requests* the Secretary-General to prepare and submit to the General Assembly at its fifty-sixth session a report on the implementation of the present resolution as it pertains to all aspects of human rights and mass exoduses, including detailed information on the programmatic, institutional, administrative, financial and management efforts instituted to enhance the capacity of the United Nations to avert new flows

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[9] United Nations, *Treaty Series*, vol. 189, No. 2545.

[10] Ibid., vol. 606, No. 8791.

of refugees and other displaced persons, to tackle the root causes of such flows, to protect those who have become displaced during mass exoduses and to facilitate their return and reintegration;

16. *Decides* to continue its consideration of this question at its fifty-sixth session.

83rd plenary meeting
17 December 1999